

**REDACTED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,  
Plaintiff,  
v.  
ACUSHNET COMPANY,  
Defendant.

C. A. No. 06-91 (SLR)

**FILED UNDER SEAL – CONFIDENTIAL  
INFORMATION – SUBJECT TO  
PROTECTIVE ORDER – NOT TO BE  
DISCLOSED EXCEPT BY COURT  
ORDER OR WRITTEN STIPULATION  
OF THE PARTIES**

**DECLARATION OF MICHAEL CATANIA IN SUPPORT OF  
PLAINTIFF CALLAWAY GOLF COMPANY'S MOTION TO DISQUALIFY  
DAVID FELKER AS AN EXPERT IN THIS CASE**

I, Michael Catania, declare as follows:

1. I am Associate General Counsel for Callaway Golf Company ("Callaway Golf"), and I am a member of the Bar of the State of California in good standing. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. I began working for Callaway Golf in March 1999. I was originally hired by Callaway Golf to be the patent counsel for the Callaway Golf Ball Company ("Callaway Golf Ball"), a wholly owned subsidiary of Callaway Golf, and Dr. David Felker, who was then Vice-President in charge of golf ball research and development, was my primary contact during the hiring process. While I had a supervisor in the legal department that was the person that I officially reported to, the vast majority of my assignments and projects came directly from Dr. Felker.

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4. In addition, I would meet with Dr. Felker on a weekly basis, if not more frequently, to discuss legal issues

Prior to joining Callaway Golf Ball, I believe that Dr. Felker had no experience in the golf industry. Therefore, Callaway Golf educated Dr. Felker as to the industry, its standard practices and the nature of the golf ball patent landscape.

5.

6. Dr. Felker and I would also discuss general research, patent, and development guidelines for Callaway Golf Ball. Dr. Felker helped develop and implement many of the systems in use at Callaway Golf today.

7. Based on my discussions with his subordinates and peers, it is my understanding that Dr. Felker often incorporated the legal advice that I had given him during our weekly meetings in his day-to-day decisions regarding golf ball development and research at Callaway Golf Ball.

8. When Callaway Golf Ball began developing its golf ball products, the premium golf balls being sold consisted of wound balls, comprised of a small core, rubber windings wrapped around the core, and a single-layer cover. Callaway Golf

Ball's approach to developing premium golf balls included a three-piece design with a larger core and thinner outer layers. One of those designs was eventually produced and sold by Callaway Golf as the "Rule 35" ball. That same design is what is found in Titleist's Pro V1 family of golf balls.

9. Dr. Felker was specifically in charge of the development of Callaway Golf's Rule 35 golf ball. The Rule 35 ball was launched in early 2000, and had great success in the golf ball market.

10. In the course of developing the Rule 35 ball, I would frequently meet with Dr. Felker to discuss legal issues regarding product development.

11.

All of that research, and the advice, was shared with Dr. Felker.

12.

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13.

14. Dr. Felker left Callaway Golf Ball in October 2000. After leaving Callaway Golf Ball, Dr. Felker continued to perform consulting services related to golf ball products for Callaway Golf Ball.

15. Further, I understand that Dr. Felker continued to perform other consulting services for Callaway Golf until sometime in 2004, when he testified as a witness in the case by Callaway Golf against Dunlop Slazenger Group Americas, a/k/a "Maxfli".

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of January, 2007, at Carlsbad, California.



Michael Catania, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2007, I electronically filed the **REDACTED**  
**VERSION OF DECLARATION OF MICHAEL CATANIA IN SUPPORT OF**  
**PLAINTIFF CALLAWAY GOLF COMPANY'S MOTION TO DISQUALIFY**  
**DEFENDANT ACUSHNET COMPANY'S EXPERT DAVID FELKER** with the Clerk of  
Court using CM/ECF which will send electronic notification of such filing(s) to the following  
Delaware counsel. In addition, the filing will also be sent via hand delivery:

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Attorneys for Defendant  
ACUSHNET COMPANY

I hereby certify that on January 24, 2007, I have mailed by United States Postal Service,  
the document(s) to the following non-registered participants:

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*/s/ Thomas L. Halkowski*  
Thomas L. Halkowski